

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the application of:) Before the Examiner
Schleppenbach, et al.) Benjamin J. Smith
Serial No. 10/579,644) Art Unit 2176
Filing Date: May 18, 2006) Date: December 15, 2010
CONTENT COMMUNICATION)
SYSTEM AND METHODS)

MAIL STOP Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

Sir:

Responsive to the Examiner's Answer dated October 15, 2010, Appellants hereby submit this Reply Brief.

Argument**A. Claim 1**

Claim 1 recites in part “outputting the converted content into a plurality of output devices; and coordinating the plurality of output devices so that the plurality of the output devices delivers synchronized output.” (Emphasis added).

At page 5 of the Examiner’s Answer, the Examiner states that “output commands to two output devices (74) and (24) is synchronized output.” However, Appellants point out that this so-called “synchronized output” of Schwerdtfeger is delivered from a single output device (i.e., client machine 22), and not from a plurality of output devices, as required by claim 1.

At page 6 of the Examiner’s Answer, the Examiner states that “Applicant’s own specification say that the ‘multiple synchronized outputs’ may be a monitor and a speakers.” Appellants point out, however, that neither the present specification nor claim 1 includes the words “multiple synchronized outputs”. Page 11, lines 1-12 of the original specification merely discloses that output may be delivered to any number of devices, such as a monitor (first device) and a speaker (second device), among other listed devices. In this context, the screen reader of Schwerdtfeger is clearly a single device, like the monitor listed in the original specification. That is, the screen reader has both a display screen and a speaker, just like a monitor does.

At page 28 of the Examiner’s Answer, the Examiner states that “computers, as well as . . . DVD players, synchronize output to multiple devices.” However, Appellants point out that a computer or a DVD player, like the client machine 22 of Schwerdtfeger, is a single output device, and not a plurality of output devices that deliver outputs that are synchronized with each other, as required by claim 1. Moreover, computers and DVD players of the prior art do not output content that has been converted into an XML format, and that has had a DOM tree applied thereto, as required by claim 1.

As first presented in the Final Office Action, the Examiner cites Schwerdtfeger as disclosing screen readers that synchronize video and sound. However, claim 1 refers to output being synchronized between multiple output devices rather than within a single output device. That is, Schwerdtfeger does not disclose coordinating output devices such that their outputs are synchronized with each other. Such is clearly the meaning of “synchronized” as the term is used at page 10, line 30 through page 11, line 12 of the present specification. Thus, the cited references do not disclose or suggest outputting the converted content into a plurality of output devices, and coordinating the plurality of output devices so that the plurality of the output devices delivers synchronized output, as recited by claim 1.

B. Claim 27

Claim 27 recites in part “providing a computerized output configuration toolbar to the special needs person; and modifying output to the special needs person based upon a selected configuration, wherein the toolbar is configured to modify an existing third-party software application.” (Emphasis added).

At pages 13-14 of the Examiner’s Answer, the Examiner seems to cite transport bar 36 of Holm as disclosing a toolbar configured to modify an existing third-party software application. Appellants point out, however, that transport bar 36 is merely used to select text content 44 (Fig. 1) for conversion to audible speech. Thus, although transport bar 36 is configured to perform already-available software functions on text content, transport bar 36 is not configured to modify the underlying third-party software application. That is, transport bar 36 does not select functions that are available in the third-party software application, and transport bar 36 does not modify a third-party software application in any other way. In contrast, a toolbar 193 (FIG. 14) of the present invention may be used to select functions that are to be available in the third-party software application, such as speech enablement, keystroke echo, contrast control, highlighting, color choice, enlargement of text, etc. (Page 13, lines 6-11 of the present specification). According to the present invention, these user-configured functions are to be available for performance on text content that is not yet opened or created. Although transport bar 36 of Holm is used to perform operations on text content, it is not used to modify the underlying third-party software application, as required by claim 27.

Nor is control panel 38 of Holms a toolbar. A toolbar may be defined as “a row of icons on a computer screen that activate commands or functions when clicked.” The American Heritage® Dictionary of the English Language, Fourth Edition (Exhibit A). Control panel 38 is not a row of icons and thus is not a toolbar. The conventional toolbar of EXCEL or WORDPERFECT cited by the Examiner is not an “output configuration toolbar . . . configured to modify an existing third-party software application”, as required by claim 27. Moreover, like transport bar 36, control panel 38 is merely used to perform operations on text content, and is not used to modify the underlying third-party software application, as required by claim 27. Thus, the cited references do not disclose or suggest “providing a computerized output configuration toolbar to a special needs person, and modifying output to the special needs person based upon a selected configuration, wherein the toolbar is configured to modify an existing third-party software application”, as recited by claim 27.

C. Claim 41

Claim 41 recites in part that “the providing of channels step includes permitting access to at least one of an access group comprising a Braille keyboard and a sip-and-puff device.¹” (Emphasis Added).

At page 32 of the Examiner’s Answer, the Examiner cites Schwerdtfeger as disclosing a Braille display including “keys or buttons for user input which allow a user to navigate through an electronic document” (column 10, lines 35-38). Such keys could be merely one key with an upwardly pointing arrow and another key with a downwardly pointing arrow to enable the user to navigate through the document. As such, this passage of Schwerdtfeger does not disclose or fairly suggest a “Braille keyboard,” which has a specific meaning in the industry. A Braille keyboard enables the user to input all of the letters of the alphabet. Schwerdtfeger certainly does not disclose or fairly suggest this feature.

There are two types of Braille keyboards. The most common type of Braille keyboard is the chorded keyboard used on the Perkins brailler and on electronic Braille notetakers. These keyboards do not have a separate key for each letter. Rather, there is one key for each dot of a Braille cell. In order to type one letter, all of the keys that correspond to the dots in that letter are pressed at the same time. The brailleur or notetaker advances to the next letter after the keys are released. A spacebar is located below the main keys. A second type of Braille keyboard is in the form of a standard computer or typewriter keyboard that is labeled with Braille letters. Again, Schwerdtfeger does not disclose or fairly suggest either of these types of Braille keyboards.

D. Claim 37

Claim 37 recites in part “using the processor to prevent the person from returning to a portion of the test”. Appellants submit that the cited references are completely silent as to this subject matter of claim 37. The Examiner cites Doty as disclosing that if a student goes over the allotted time for the question, the question is forfeited. This is clearly not a correct interpretation of paragraph [0174] of Doty, which discloses that “[s]hould the student fail to answer the question in the allotted time, administrators can also prescribe the subsequent ramifications (i.e. the course is automatically forfeited). Each course can feature real-time test questions.” Thus, the entire course of questions, rather than that specific question, is forfeited if the student goes over the allotted time for a question. Clearly, forfeiting an entire course or “class” if a student goes over the allotted time for the question does not disclose or fairly suggest preventing a person from returning to a portion of the test. It is quite possible that the test taker of Doty can return to a particular question despite having already forfeited the course. It is also quite possible that the course is forfeited after the entire test has already been completed by the student, and after the student has already gone back to any question(s) he chooses. Nowhere does Doty suggest that the test-taking student is interrupted and prevented from continuing to take the test if he goes over his allotted time on any particular question.

Moreover, the Examiner has not provided any support for his position that the ability to

restrict a test taker's ability to navigate a test was well known in the art at the time of the invention.

E. **Claim 32**

Claim 32 recites in part "providing a plurality of communication channels on the portable system by which the special needs person may interact with the portable system, the channels including at least one of a Braille keyboard and a sip-and-puff device; and recording responses from said special needs person communicated via at least one of said channels." (Emphasis added).

As discussed above with regard to claim 41, Schwerdtfeger discloses a Braille display including "keys or buttons for user input which allow a user to navigate through an electronic document" (column 10, lines 35-38). Such keys could be merely one key with an upwardly pointing arrow and another key with a downwardly pointing arrow to enable the user to navigate through the document. Thus, Schwerdtfeger does not disclose or fairly suggest a Braille keyboard, as recited by claim 32. Further, the user navigations through a document are not "responses" from the user, as required by claim 32. That is, when a user decides to scroll up or down an electronic page, he is typically acting independently, and is not "responding" to anything. Moreover, Schwerdtfeger is completely silent as to "recording" any user responses, as also required by claim 32.

F. **Claim 50**

At page 2 of the Final Office Action, the Examiner objected to claim 50 for failing to further limit the subject matter of a previous claim. Claim 32, from which claim 50 depends, recites "the channels including at least one of a Braille keyboard and a sip-and-puff device." Appellants submit that this language means that the channels may include a Braille keyboard alone, both a Braille keyboard and a sip-and-puff device, or a sip-and-puff device alone. The Examiner states "using the broadest reasonable interpretation, if the device chosen in Claim 32 is the 'sip-and-puff device' then Claim 50 fails to further limit Claim 32." Appellants respectfully submit, however, that picking one of a number of possibilities (i.e., the sip-and-puff device alone) is not the broadest reasonable interpretation as contended by the Examiner, but rather is a very narrow interpretation. Appellants submit that by positively stating that access to a sip-and-puff device is permitted, the possibility that the channels include only a Braille keyboard is eliminated, and thus claim 50 does further limit the subject matter of Claim 32. Accordingly, claim 50 is in allowable form.

Respectfully submitted,

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Date

/Keith J. Swedo/

Keith J. Swedo, Esq.

Reg. No. 43,176

Taft Stettinius & Hollister LLP

One Indiana Square, Suite 3500

Indianapolis, IN 46204

(317) 713-3500 (phone)

(317) 713-3699 (fax)

kswedo@taflaw.com